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*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

Paul Martinka,

Case No:

Plaintiff,

## COMPLAINT

V

## DEMAND FOR JURY TRIAL

MediaLab.AI Inc. d/b/a  
Mobile Medialab Technologies,

**Defendant.**

Plaintiff Paul Martinka (“*Plaintiff*”), by and through his undersigned counsel, for his Complaint against defendant MediaLab.AI Inc. d/b/a Mobile Medialab Technologies (“*Defendant*”) states and alleges as follows:

## INTRODUCTION

1. This action seeks to recover damages for copyright infringement under the Copyright Act, 17 U.S.C §101 *et seq.*

2. Plaintiff created a photograph of a shooting suspect being escorted out of a police precinct in Brooklyn, New York (the “*Photograph*”) in which Plaintiff

1 owns the rights and licenses for various uses including online and print publications.  
2

3       3. Defendant owns and operates a website at domain  
4 www.worldstarhiphop.com (the “*Website*”).  
5

6       4. Defendant, without permission or authorization from Plaintiff, actively  
7 copied and displayed the Photograph on the Website and engaged in this misconduct  
8 knowingly and in violation of the United States copyright laws.  
9

## PARTIES

10     5. Plaintiff Paul Martinka is an individual who is a citizen of the State of  
11 New York and resides in Kings County, New York.  
12

13     6. Upon information and belief, defendant Medialab.AI Inc. d/b/a Mobile  
14 Medialab Technologies is a Delaware corporation with a principal place of business  
15 at 1222 6th Street, Santa Monica in Los Angeles County, California.  
16

## JURISDICTION AND VENUE

17     7. This Court has subject matter jurisdiction over the federal copyright  
18 infringement claims pursuant to 28 U.S.C. §1338(a) and 28 U.S.C. §1331.  
19

20     8. This Court has personal jurisdiction over Defendant because it  
21 maintains its principal place of business in California.  
22

23     9. Venue is proper under 28 U.S.C. §1391(b)(2) because Defendant does  
24 business in this Judicial District and/or because a substantial part of the events or  
25 omissions giving rise to the claim occurred in this Judicial District.  
26

## FACTS COMMON TO ALL CLAIMS

### A. Plaintiff's Copyright Ownership

27     10. Plaintiff is a professional photographer by trade who is the legal and  
28 rightful owner of certain photographs which Plaintiff commercially licenses.  
29

30     11. Plaintiff has invested significant time and money in building Plaintiff's  
31 photograph portfolio.  
32

33     12. Plaintiff has obtained active and valid copyright registrations from the  
34

1 United States Copyright Office (the “USCO”) which cover many of Plaintiff’s  
2 photographs while many others are the subject of pending copyright applications.  
3

4 13. Plaintiff’s photographs are original, creative works in which Plaintiff  
owns protectable copyright interests.  
5

6 14. On August 3, 2022, Plaintiff first published the Photograph. A copy of  
the Photograph is attached hereto as Exhibit 1.  
7

8 15. In creating the Photograph, Plaintiff personally selected the subject  
matter, timing, lighting, angle, perspective, depth, lens, and camera equipment used  
9 to capture the image and made each and every artistic determination necessary for  
10 the creation of the work.  
11

12 16. On September 27, 2022, the Photograph was registered by the USCO  
under Registration No. VA 2-322-263.  
13

14 17. Plaintiff created the Photograph with the intention of it being used  
commercially and for the purpose of display and/or public distribution.  
15

16 18. Plaintiff published the Photograph by commercially licensing it to the  
New York Post for the purpose of display and/or public distribution.  
17

## B. Defendant's Infringing Activity

18 19. Defendant is the registered owner of the Website and is responsible for  
its content.  
20

21 20. Defendant is the operator of the Website and is responsible for its  
content.  
22

23 21. The Website is a key component of Defendant's popular and lucrative  
commercial enterprise.  
24

25 22. The Website is monetized in that it contains paid advertisements and,  
on information and belief, Defendant profits from these activities.  
26

27 23. Upon information and belief, Defendant has not implemented adequate  
internal policies to verify copyright ownership before content use, indicating a gross  
28

1 negligence in legal compliance, which is essential for a company with Defendant's  
2 reach, capabilities, and level of sophistication.

3       24. Upon information and belief, Defendant's internal policies, if any, are  
4 either not designed to verify copyright ownership before content use or are  
5 systematically ignored, indicating a willful, recurring disregard for copyright  
6 compliance.

7       25. Defendant's failure to adopt or effectively enforce internal copyright  
8 policies, if any, indicates *de facto* willful infringement.

9       26. On or about August 4, 2022, Defendant displayed the Photograph on  
10 the Website as part of an on-line story at URL:  
11 <https://worldstarhiphop.com/videos/wshhQN909NV6ULg3JQs5/you-going-to-jail-now-man-and-his-girlfriend-charged-in-brooklyn-mcdonalds-shooting-over-cold-fries>. A copy of a screengrab of the Website including the Photograph is attached  
12 hereto as Exhibit 2.

13       27. The Photograph was stored at URL: [https://hw-  
14 static.worldstarhiphop.com/u/pic/2022/08/19WuP1Z9GD58.jpg](https://hw-static.worldstarhiphop.com/u/pic/2022/08/19WuP1Z9GD58.jpg).

15       28. Without permission or authorization from Plaintiff, Defendant  
16 volitionally copied and displayed Plaintiff's copyright protected Photograph on the  
17 Website.

18       29. Plaintiff discovered the Infringement on April 14, 2024.

20       30. Upon information and belief, the Photograph was copied and displayed  
21 by Defendant without license or permission, thereby infringing on Plaintiff's  
22 copyrights in and to the Photograph (hereinafter the unauthorized use set forth above  
23 is referred to as the "*Infringement*").

24       31. The Infringement includes a URL ("Uniform Resource Locator") for a  
25 fixed tangible medium of expression that was sufficiently permanent or stable to  
26 permit it to be communicated for a period of more than a transitory duration and  
27

1 therefore constitutes a specific infringement.

2       32. The Infringement is an exact copy of Plaintiff's original image that was  
3 directly copied and displayed by Defendant on the Website.

4       33. Upon information and belief, Defendant takes an active and pervasive  
5 role in the content posted on its Website, including, but not limited to copying,  
6 posting, selecting, commenting on, and/or displaying images including but not  
7 limited to Plaintiff's Photograph.

8       34. Upon information and belief, the Photograph was willfully and  
9 volitionally posted to the Website by Defendant.

10      35. Upon information and belief, Defendant was aware of facts or  
11 circumstances from which the determination regarding the Infringement was  
12 apparent. Defendant cannot claim that it was not aware of the infringing activities,  
13 including the specific Infringement which forms the basis of this complaint, since  
14 such a claim would amount to only willful blindness to the Infringement on the part  
15 of Defendant.

16      36. Upon information and belief, Defendant engaged in the Infringement  
17 knowingly and in violation of applicable United States copyright laws.

18      37. Upon information and belief, Defendant has the legal right and ability  
19 to control and limit the infringing activities on its Website and exercised and/or had  
20 the right and ability to exercise such right.

21      38. Upon information and belief, Defendant monitors the content on its  
22 Website.

23      39. Upon information and belief, Defendant has received a financial benefit  
24 directly attributable to the Infringement.

25      40. Upon information and belief, the Infringement increased traffic to the  
26 Website and, in turn, caused Defendant to realize an increase in its advertising and/or  
27 business revenues.

41. Upon information and belief, a large number of people have viewed the unlawful copy of the Photograph on the Website.

42. Upon information and belief, Defendant at all times had the ability to stop the reproduction and display of Plaintiff's copyrighted material.

43. Defendant's use of the Photograph harmed the actual market for the Photograph.

44. Defendant's use of the Photograph, if widespread, would harm Plaintiff's potential market for the Photograph.

45. On June 7, 2024, Plaintiff, via counsel, served a letter seeking to address the complaints contained herein concerning Defendant's infringement of Plaintiff's rights-protected work.

46. On August 1, 2024, Plaintiff, via counsel, served a second letter seeking to address the complaints contained herein concerning Defendant's infringement of Plaintiff's rights-protected work.

47. Despite Plaintiff's efforts and willingness to address Defendant's infringing activity, the parties failed to resolve the instant matter and Plaintiff was forced to seek judicial intervention for Defendant's infringing activity.

48. Further, despite Plaintiff's notification to Defendant concerning its infringing activity, Defendant continues to infringe on Plaintiff's work thereby establishing the willful nature of its conduct.

49. As a result of Defendant's misconduct, Plaintiff has been substantially harmed.

## FIRST COUNT

*(Direct Copyright Infringement, 17 U.S.C. §501 et seq.)*

50. Plaintiff repeats and incorporates by reference the allegations contained in the preceding paragraphs, as though set forth in full herein.

51. The Photograph is an original, creative work in which Plaintiff owns a

1 valid copyright.

2       52. The Photograph is properly registered with the USCO and Plaintiff has  
3       complied with all statutory formalities under the Copyright Act and under  
4       regulations published by the USCO.

5       53. Plaintiff has not granted Defendant a license or the right to use the  
6       Photograph in any manner, nor has Plaintiff assigned any of its exclusive rights in  
7       the copyright to Defendant.

8       54. Without permission or authorization from Plaintiff and in willful  
9       violation of Plaintiff's rights under 17 U.S.C. §106, Defendant improperly and  
10      illegally copied, reproduced, distributed, adapted, and/or publicly displayed works  
11      copyrighted by Plaintiff thereby violating one of Plaintiff's exclusive rights in its  
12      copyrights.

13       55. Defendant's reproduction of the Photograph and display of the  
14      Photograph constitutes willful copyright infringement.

15       56. Upon information and belief, Defendant willfully infringed upon  
16      Plaintiff's copyrighted Photograph in violation of Title 17 of the U.S. Code, in that  
17      Defendant used, published, communicated, posted, publicized, and otherwise held  
18      out to the public for commercial benefit, Plaintiff's original and unique Photograph  
19      without Plaintiff's consent or authority, by using it on the Website.

20       57. As a result of Defendant's violations of Title 17 of the U.S. Code,  
21      Plaintiff is entitled to an award of actual damages and disgorgement of all of  
22      Defendant's profits attributable to the infringements as provided by 17 U.S.C. § 504  
23      in an amount to be proven or, in the alternative, at Plaintiff's election, an award for  
24      statutory damages against Defendant for each infringement pursuant to 17 U.S.C. §  
25      504(c).

26       58. As a result of the Defendant's violations of Title 17 of the U.S. Code,  
27      the court in its discretion may allow the recovery of full costs as well as reasonable  
28

1 attorney's fees and costs pursuant to 17 U.S.C. § 505 from Defendant.

2 59. As a result of Defendant's violations of Title 17 of the U.S. Code,  
3 Plaintiff is entitled to injunctive relief to prevent or restrain infringement of  
4 Plaintiff's copyright pursuant to 17 U.S.C. § 502.

5 **JURY DEMAND**

6 60. Plaintiff hereby demands a trial of this action by jury.

7 **PRAYER FOR RELIEF**

8 **WHEREFORE**, Plaintiff respectfully requests judgment as follows:

9 That the Court enters a judgment finding that Defendant has infringed on  
10 Plaintiff's rights to the Photograph in violation of 17 U.S.C. §501 *et seq.* and  
11 therefore award damages and monetary relief as follows:

- 12 a. finding that Defendant infringed Plaintiff's copyright interest in  
13 and to the Photograph by copying and displaying it without a  
14 license or consent;
- 15 b. for an award of actual damages and disgorgement of all of  
16 Defendant's profits attributable to the infringements as provided  
17 by 17 U.S.C. § 504(b) in an amount to be proven or, in the  
18 alternative, at Plaintiff's election, an award for statutory damages  
19 against Defendant for each infringement pursuant to 17 U.S.C. §  
20 504(c), whichever is larger;
- 21 c. for an order pursuant to 17 U.S.C. § 502(a) enjoining Defendant  
22 from any infringing use of any of Plaintiff's works;
- 23 d. for costs of litigation and reasonable attorney's fees against  
24 Defendant pursuant to 17 U.S.C. § 505;
- 25 e. for pre-judgment interest as permitted by law; and
- 26 f. for any other relief the Court deems just and proper.

1  
2 DATED: October 21, 2024  
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